

ATTACHMENT 1

**CHAPTER 20.50  
INDUSTRIAL ZONING DISTRICTS**

**Part 3  
Development Regulations**

**20.50.260 Landscaping**

- A. The following landscaping requirements shall apply for all sites in the Industrial Districts:
1. All setback areas, exclusive of Permitted off-street parking areas and private egress, or circulation, shall be landscaped.
  2. All landscaped areas shall be maintained in perpetuity, and all dead plant materials replaced with viable plant materials in conformance with an approved Permit.
  3. A ten (10) foot wide landscape buffer and a seven (7) foot high property line masonry wall is required when a driveway, service yard, loading area or parking lot is adjacent to residential uses.
  4. Tree wells in a parking lot shall be a minimum forty (40) square feet, with a minimum five (5) foot net dimension.
  5. A four (4) foot high parking screen is required when residential uses are located across the street. Attractive walls, dense landscaping or depressed parking are acceptable screening solutions.
  6. All landscaped areas shall be designed and maintained in conformance with current City policy related to post-construction Storm Water Quality Control.
- B. Landscape guidelines are contained in the Landscape and Irrigation Guidelines, adopted by the City Council, October 1989, Revised March 1993, the San Jose 2020 General Plan, as amended, ~~and~~ the Riparian Corridor Policy Study, approved by the City Council, May 17, 1997, the current Guidance Manual on Selection of Stormwater Quality Control Measures, prepared for the Department of Planning, Building, and Code Enforcement, and the current Post-Construction Urban Runoff Management Policy approved by the City Council.

## **CHAPTER 20.95**

### **STORM WATER MANAGEMENT**

#### **Part 1**

#### **General Provisions**

##### **20.95.010 Purpose**

The purpose of this Chapter is to:

1. Promote adequate storm water management.
2. Promote proper siting of stormwater runoff treatment to mitigate potential adverse impacts on adjacent land uses.
3. Encourage the use of alternative modes of storm water runoff treatment.
4. Ensure access to storm water treatment measures.
5. Enable the permitting of Off-Site Storm Water Runoff Treatment measures without creating adverse conditions or impacts on the subject or neighboring properties.

##### **20.95.020 Applicability**

The creation on or above ground through installation, construction, or replacement of one gross acre or more of impervious surface.

#### **Part 2**

#### **Storm Water Runoff Treatment Requirements**

##### **20.95.110 Conformance**

The creation on or above ground through installation, construction, or replacement of one gross acre or more of impervious surface shall be designed in conformance with current City policy related to post-construction Storm Water Quality Control and in accordance with the provisions of this Chapter and Chapter 20.100 of this Code.

##### **20.95.120 Maintenance**

All storm water runoff treatment measures shall be permanently maintained by the property owner in good repair, free of litter and debris, obstructions, and stored materials.

Such treatment shall be designed in conformance with current City policy related to post construction Storm Water Quality Control.

### **Part 3**

## **Off-Site Storm Water Treatment**

### **20.95.210 Permit Required**

No person shall place, construct or operate, or permit the placement, construction, or operation of any Off-Site Storm Water Runoff Treatment measure without first obtaining a Special Use Permit pursuant to the provisions set forth in this Title issued in accordance with Chapter 20.100.

### **20.95.220 Special Use Permit for Off-Site Storm Water Runoff Treatment**

- A. An applicant for a Special Use Permit to allow the placement, construction or operation of Off-Site Storm Water Runoff Treatment measure(s) shall, in addition to all other Special Use Permit requirements, declare under penalty of perjury that the Off-Site Storm Water Runoff Treatment measure(s) sought for use subject to a Special Use Permit will at all times be maintained in full conformance with each and every one of the criteria and standards set forth in this Part.
- B. A Special Use Permit to allow Off-Site Storm Water Runoff Treatment shall not be issued unless the Director determines that all of the applicable criteria and standards set forth in this Part are met.

### **20.95.230 Criteria and Standards**

- A. Any Off-Site Storm Water Runoff Treatment that may be permitted with a Special Use Permit shall meet the standards and criteria below, provided that the Director, or Planning Commission, on appeal, may relax such standards or impose stricter standards as a reasonable exercise of their discretion, upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Part and the purposes of this Title.
- B. The standards and criteria for Off-Site Storm Water Runoff Treatment are as follows:
  - 1. The Off-Site Storm Water Runoff Treatment shall be designed in conformance with current City policy related to post-construction Storm Water Quality Control and in accordance with the provisions of Chapter 20.100 of this Code.
  - 2. Prior to the issuance of Public Works Clearance, a covenant of easement for ingress/egress and operation and maintenance purposes to be maintained in

perpetuity shall be recorded by the applicant and the property owner on the subject property on which the Off-Site Storm Water Runoff Treatment is located with all necessary subordinations to the satisfaction of the Director of Planning and the Director of Public Works.

3. The applicant shall be responsible for operating and maintaining the Off-Site Storm Water Runoff Treatment in accordance with the conditions of the Special Use Permit.

## **CHAPTER 20.100**

### **ADMINISTRATION AND PERMITS**

#### **Part 3**

#### **Permit Conditions**

##### **20.100.480 Storm Water Management - Projects Disturbing 1 Acre or More**

- A. All development projects with an approved Development Permit that result in a land disturbance of one (1) acre or more shall, prior to the commencement of any clearing, grading or excavation, comply with the City of San José National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit as follows:
  1. The applicant shall develop, implement and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of storm water pollutants including sediments associated with construction activities.
  2. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).
- B. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control may include BMPs as specified in the California Storm Water Best Management Practice Handbook for reducing impacts on the City's storm drainage system from construction activities.
- C. Prior to the issuance of a grading permit, the applicant shall submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works.
- D. The applicant shall maintain a copy of the most current SWPPP on site and shall provide a copy to any City representative or inspector on demand.
- E. The applicant shall implement and maintain all best management practices (BMPs) or control measures identified in the SWPPP and/ or Erosion Control Plan.

- F. The creation on or above ground through installation, construction, or replacement of one gross acre or more of impervious surface shall be designed in conformance with current City policy related to post-construction Storm Water Quality Control and in accordance with the provisions of Chapter 20.100 of this Code.

## **Part 4**

### **Adjustments**

#### **20.100.500 Adjustments**

- A. The Director may, at the Director's sole discretion, approve an adjustment for the following:
1. Changes to an approved Development Permit but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
  2. Signs which conform to Title 23, minor changes to approved sign programs, and sign programs that are a condition of a Development Permit.
  3. Additions, accessory buildings and minor structures such as trellises, patio covers, swimming pools and decks for one-family residences which were approved and are subject to an existing Planned Development Permit.
  4. Building Mounted Wireless Communications Antenna.
  5. Tract sales, model home sales, or leasing offices associated with an approved housing development.
  6. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
  7. Solar Photovoltaic Electrical Power Generation Systems.
  8. The creation on or above ground through installation, construction, or replacement of less than one gross acre of impervious surface.
  9. The replacement, repaving, reconfiguration, or re-striping of parking spaces.

- B. An application for an adjustment must be filed on the form provided by the Director and accompanied by the fees as set forth in the Schedule of Fees adopted by resolution of the City Council.
- C. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the Director shall be final. If the Director denies an adjustment, nothing herein shall preclude the applicant from thereafter filing an application for a Development Permit.
- D. Where property was developed prior to the requirement of a Site Development Permit, adjustments [for projects as set forth in Section 20.100.610\(A\)](#) may be approved without the necessity of the issuance of a full Site Development Permit.

## **Part 5**

### **Site Development Permit**

#### **20.100.610 Site Development Permit Required**

- A. A valid Site Development Permit, issued under this Part, is required prior to the issuance of any building permit or installation permit for the following activities:
  - 1. Erection, construction, enlargement, placement or installation of a building or structure on any site, except for one, one-family dwelling on a single lot or parcel that would not be subject to Part 9 of Chapter 20.100 regarding requirements for a Single Family House Permit; or
  - 2. Erection, construction, enlargement, placement or installation of a one-family dwelling on a single lot or parcel as provided for in Section 20.100.1030 (A)(4) regarding Single-Family House Permits; or
  - 3. Exterior alteration of a building, ~~or~~ structure, [landscaped area, or other site amenity](#); or
  - 4. Use of a lot for storage purposes; or
  - 5. Installation, [replacement, reconfiguration or restriping](#) of pavement on any portion of a lot; or
  - 6. [The creation, replacement, alteration, or reconfiguration of any impervious surface on any portion of a site; or](#)
  - ~~6.7.~~ [Underground installation.](#)

- B. No single Site Development Permit shall be issued for more than one site. However, the removal and relocation of a building from one parcel to another separate parcel located within the City requires a single application pertaining to both parcels pursuant to Section 20.100.650.
- C. The provisions of this Part shall not apply:
1. If a Permit is expressly not required by Section 20.100.1030 of this Title or a Permit is issued under other provisions of this Chapter unless procurement of a Site Development Permit is made an express condition of such Permit.
  2. If temporary structures or buildings are to be constructed on a lot situate in a CP, CN or CG Commercial Districts, the IP, LI or HI Industrial Districts, or an A Agricultural District and are intended to be and are used in connection with the sale of Christmas trees or Halloween pumpkins in accordance with this Title, and remain on the site only for the temporary period specified for such uses in this Title.
  3. If the underground installation is for the sole purpose of replacing an existing underground tank or tanks with a new tank or tanks whether or not total tank capacity on the site is increased.
  4. If skylights are installed on existing dwellings provided that the parcel has four (4) or fewer dwellings.
  5. If the re-roof is installed on an existing building or structure which is not designated a historic landmark and does not involve any alteration to the existing roof line, provided that the material used in the re-roof meets all of the following conditions:
    - a. Is of the same material or is of a replacement material(s) that is superior to or is an upgrade from the existing material in terms of quality, aesthetics or safety features as determined by the Director of Planning; and
    - b. Meets or exceeds all applicable Fire and Building Code requirements.
  6. Accessory structures on lots with a one-family house, unless a Permit is otherwise required by this Title.

#### **20.100.630 Findings**

- A. The Director, or the Planning Commission on appeal, shall grant the Site Development Permit only if all of the following findings are made:

1. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious.
  2. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.
  3. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
  4. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood.
  5. Traffic access, pedestrian access and parking are adequate.
  6. The application is either consistent with the General Plan or counterbalancing considerations justify the inconsistency.
- B. The Director, or the Planning Commission, shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

#### **20.100.910 Planned Development Permit Required**

Unless the base zone is being utilized:

- A. No building or structure shall be erected, constructed, enlarged, placed or installed or moved onto any site nor shall there be any exterior alteration of any structure which is in a planned development district, and no building permit or installation permit shall be issued for such work, except pursuant to and in accordance with a Planned Development Permit.
- B. No use shall be added, changed, modified, enlarged or altered on any site which is in a planned development district except pursuant to and in accordance with a Planned Development Permit.
- C. A Planned Development Permit may be issued for all or any part of the property situate in a Planned Development District.



- D. A Planned Development Permit or amendment to a Planned Development Permit may be issued for:
1. The use of new dwelling units, which are not yet occupied for residential purposes, as model homes or sales offices in connection with the sale of dwelling units in a planned development district.
  2. The use of structures, such as mobilehomes, as sales offices in connection with the sale of dwelling units in a planned development district.
  3. The use of land in the Planned Development District for off-street parking or other uses incidental to the sales office or model home operation. Such use shall be limited to the duration of the sales office or model home operation.
- E. A Planned Development Permit is not required for building additions, exterior alterations, and accessory structures on parcels six thousand square feet or less which are used for single-family detached residential use if the additions, alterations, or structures:
1. Meet the development regulations of the R-1-8 residence district; and
  2. The construction would not require the issuance of a Single Family House Permit, pursuant to Part 9 of this Chapter 20.100, if the property were not situated in a Planned Development Zoning District; and
  3. The addition, alterations or accessory structures otherwise conform to the requirements of the Planned Development Zoning District.
- F. A Planned Development Permit is not required for mechanical equipment in Planned Development Districts consisting solely of detached, one family dwelling uses. The setbacks for all mechanical equipment in these Planned Development Districts must meet the setback requirements set forth in the particular Planned Development District. If no setback standards have been set forth for a particular Planned Development District, the setbacks requirements shall be those standards set forth in Section 20.60.080.
- G. A valid Planned Development Permit, issued under this Part, is required prior to the issuance of any building permit or installation permit for the following activities:
1. The creation or replacement or alteration, or reconfiguration of impervious surface on any portion of a site not used solely for one single family residence.

#### **20.100.940 Findings**

- A. The Director or the Planning Commission on appeal, may issue a Planned Development Permit only if all of the following findings are made:

1. The Planned Development Permit, as issued, furthers the policies of the General Plan;
  2. Planned Development zoning of the property;
  3. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious;
  4. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.
- B. The Director or the Planning Commission on appeal shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate such findings.

## **CHAPTER 20.110**

### **OTHER PROCEDURES**

#### **Part 1**

#### **Easements**

##### **20.110.030 Purposes of Easement**

An easement created pursuant to this Part may be for one or more of the following purposes:

1. Parking.
2. Ingress and egress.
3. Emergency access.
4. Light and air access.
5. Landscaping.
6. Open space.
7. Access, operation, and maintenance of storm water treatment.

#### **20.200.555 Impervious Surface**

Any surface on or above ground that prevents the infiltration or passage of water into the soil. Impervious surfaces include, but are not limited to, non-absorbent rooftops, paved or covered patios, driveways, parking lots, paved walkways, compacted soil or rock, and streets.

#### **20.200.825 Off-Site Storm Water Runoff Treatment**

Storm water runoff treatment or an equivalent water quality benefit provided on a lot other than the lot occupied by the building or use for which the treatment is required.